

## REMARKS

The present Response is to the Office Action mailed 12/24/2009. Claims 1, 4-16, 19-31 and 34-45-45 are standing for examination, and are presented below with appropriate status indication.

### From the action:

#### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 4-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Each of claims 1 and 4-15 are directed toward an "agent capability application", which is software. Software, per se, is not considered to fall within one of the statutory acceptable categories of invention. Although claim 1 does include language stating that the application is "included in a computer readable medium", in order for the claim to be considered statutory under 35 U.S.C. 101, the claim must be directed towards the computer readable medium rather than the application, such that the claim is directed towards a device (the computer readable medium). It is recommended that the language of claim 1 be amended such that the claim states "An agent capability application **comprising** a computer readable medium and executing on a computer platform", such that it is clear that the application comprises a device (the computer readable medium) rather than just software.

### Applicant's response:

Applicant has amended claim 1 herein to recite the language kindly suggested by the examiner, and therefore requests the 101 rejection be withdrawn.

**From the action:**

***Claim Objections***

3. Claims 39 and 42-45 objected to because of the following informalities: Each of these claims depends on canceled claim 33. For purposes of examination, it is assumed that each of these claims should properly depend on claim 31. Appropriate correction is required.

**Applicant's response:**

The applicant has amended the claims to correct the dependency, as kindly pointed out by the examiner.

**From the action:**

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 10, 11, 14, 15, 25, 26, 28-30, 40-42, 44, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 10.

Also regarding claim 10, lines 1-2 of this claim contain the term "the ... subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the ... subscribing applications" in claim 10.

Regarding claim 11, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 11.

Also regarding claim 11, lines 1-2 of this claim contain the term "the ... subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the ... subscribing applications" in claim 11.

Regarding claim 14, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 14.

Also regarding claim 14, lines 1-2 of this claim contain the term "the ... subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the ... subscribing applications" in claim 14.

Regarding claim 15, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 15.

Also regarding claim 15, lines 1-2 of this claim contain the term "the ...subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the ... subscribing applications" in claim 15.

Regarding claim 25, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 25.

Regarding claim 26, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 25.

Regarding claim 28, line 2 of this claim contains the term "the copies or versions" Since there is no prior mention of any "versions" in the claim language, there is a lack of antecedent basis for the term "the ... versions" in claim 28.

Regarding claim 29, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 29.

Regarding claim 30, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 30.

Regarding claim 40, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 40.

Regarding claim 41, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 41.

Regarding claim 42, line 4 of the claim contains the term "the agent proxy server". Since there is no mention of any "agent proxy server" in the claim language, there is a lack of antecedent basis for the term "the agent proxy server" in claim 42.

Regarding claim 44, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 44.

Regarding claim 45, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 45.

**Applicant's response:**

The applicant has made appropriate amendments to all of the claims objected to by the examiner, and has found several more in which there are antecedent problems, and has corrected those as well. The applicant believes the claims as amended overcome the objections and place the case in condition for allowance.

Should the examiner discover inadvertent error in the amendments that do not amount to substantive problems, the applicant requests a telephone call in which the

applicant may authorize an examiner's amendment to place the case in condition for allowance.

**From the action:**

***Allowable Subject Matter***

6. Claims 16, 19-24, 27, 31, and 34-38 are allowed.
7. Claims 25, 26, 28-30, 40-42, 44, and 45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claims 39 and 43 are objected to as shown above, but would be allowable if rewritten to overcome the claim objections and to include all of the limitations of the base claim and any intervening claims.

**Applicant's response:**

Applicant believes the claims to now be in condition for allowance, and requests that the objections and ejections be withdrawn, and the case be passed quickly to issue.

**From the action:**

***Response to Arguments***

9. Applicant's arguments filed 11/24/09 have been fully considered and are persuasive. The rejections of claims under 35 U.S.C. 103(a) has been withdrawn.

**Applicant's response:**

Acknowledged, with appreciation.

### Summary

As all of the claims, as amended, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,  
Stefaan Valere Albert Coussement

By */Donald R. Boys/*  
Donald R. Boys  
Reg. No. 35,074

Central Coast Patent Agency, Inc.  
3 Hangar Way, Suite D  
Watsonville, CA 95076  
(831) 768-1755